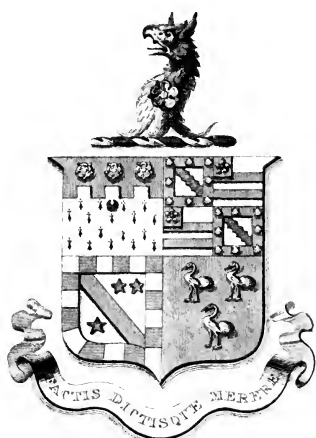


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NOTES

ON

THE CARDINAL'S MANIFESTO,

IN

A LETTER

TO THE RIGHT HON.

LORD JOHN RUSSELL,

Her Majesty's Prime Minister.

BY

THE REV. JOHN CUMMING, D.D.

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A LETTER.

MY LORD,

THE vast importance of the subject handled in this Letter is my only apology and my only authority for thus addressing your Lordship as the first servant of the Crown. It becomes the humblest subject to contribute his quota of information in a great crisis; and having for many years studied the question which lies at the basis of the recent aggression of Pius IX., I ask no permission, and offer no apology, for speaking out pressing and important truths, even in this shape.

Dr. Wiseman begins his appeal to the English people by some introductory remarks, in the very first clause of which he openly talks of "the establishment of the Catholic Hierarchy in England." Is the Church of Rome then really established in England? By what Act of the Imperial Legislature? Shall we see red stockings and red hats in the House of Lords? The serious question will soon be taken up—it already begins to be discussed—Pope Pius IX. and Cardinal Wiseman provoke it—whether it be not almost national suicide to tolerate a priesthood that tolerates none besides; that treats with contempt the liberal and enlightened acts and spirit of English toleration, and that seizes at once, and without any other warning than that of "Battersby's Irish Directory," the position and the pretensions of a National Established Church. The Cardinal states:—

"A strong wish had begun to prevail, on the part of the English Catholics, to change this temporary form of government for the ordinary form, by Bishops with local titles, that is, by an ecclesiastical Hierarchy. Petitions had been sent for this purpose to the *Holy See*. The first, I believe, was in 1834."

Where is the evidence of all this? and what is the number of these petitions? If one may judge from the expressions of lay Roman Catholics of all classes, from Lord Beaumont down to tradesmen I have talked with, the main petitioner for a change of ecclesiastical organization was a certain petitioner for red stockings and a cardinal's hat. "Local titles"—that is, titles derived from special localities—and titles of rank, have not been generally sought from the Pope by subjects of the British Crown; our countrymen generally regard our Queen as the only source of dignities and titles. They believe, too, that her consent should be asked before her country is divided and subdivided among the creatures of a foreign priest.

The Vicars-Apostolic, with unparalleled blindness, rare simplicity, and artless innocence, did not "look on it as a measure of aggression." Dr. Wiseman did not regard it a measure of aggression. Certainly not; for on whom is it an aggression according to Romish laws? Not on the Queen. Her Majesty, as a Protestant, is *ipso jure* deposed, according to Roman Catholic divines. This is Dr. Wiseman's approved Theology; for in November last, Bishop Doyle, his suffragan, recommended as a Roman Catholic authority, Alphonsus De Castro, pronouncing him "good, great, zealous." I have read his writings, and among other dogmas I find this:—

"Altera hæreticorum pœna est, privatio cujuscumque prælationis, jurisdictionis, et dominii, quod ante super homines cujuscumque conditionis habuissent. Nam qui hæreticus est, ipso jure omnibus talibus rebus privatus est."

"Another punishment of heretics is the deprival of every sort of pre-eminence, jurisdiction, and government, which they previously exercised over persons of every condition. For he who is a heretic, is, *ipso jure*, deprived of all such things."—Cap. vii. p. 105.

“Hoc dominium habent reges, duces, comites, et reliqui domini qui populis præsunt. Hi, super quos tale dominium habetur, non dicuntur servi, sed subditi, et vocabulo jam ab omnibus recepto, dicuntur Vassalli. Hoc dominium etiam amittitur per hæresim manifestam, ita quod Rex factus hæreticus, ipso jure est regno suo privatus, et Dux suo ducatu, et Comes comitatu, et idem de aliis populorum dominis quocumque nomine censeantur, dicendum est : Nec mirari debet aliquis, quod Papa propter hæresis crimen Regem à regia dignitate deponat, et regno privet : quoniam in negotio fidei etiam Reges, sicut et alii inferiores, subduntur Summo Pontifici. Quo fit ut illos sicut quoslibet alios punire possit.”

“This authority have kings, dukes, earls, and other governors who rule the people. Those over whom this authority is exercised are not called servants, but subjects ; they are also called by the universally received term vassals. This authority is also lost by manifest heresy ; thus a king, having become a heretic, is *ipso jure* deprived of his kingdom, a duke of his dukedom, an earl of his earldom, and so with other governors of the people, by whatever name they are known. Nor should any one wonder that the Pope, on account of the crime of heresy, deprives a king of his royal dignity, and strips him of his kingdom ; for in the matter of faith, kings, like other subordinates, are the subjects of the Sovereign Pontiff, who can punish them as he does others.”—Cap. vii. p. 108.

This is what was recommended from the CATHEDRAL PULPIT of ST. GEORGE'S in the Borough last month. It is no obsolete divinity.

No aggression is intended against the Church of England, of course. She is ignored. Her Bishops are no Bishops ; her Ministers are no Ministers. On whom then is there the possibility of aggression ? Not on the baptized of any communion in England ; for all the baptized—sprinkled, and plunged—babes, and fathers, and mothers—are held by Dr. Wiseman to be the *subjects* of the Church of Rome, her property—her rightful property—as Liguori, Dr. Wiseman's own authority, states :—

“Hæretici, apostatæ, et schismatici possunt affici censuris quia per baptismum sunt subjecti Ecclesiæ. (Vol. viii. p. 137.)

“Heretics, apostates, and schismatics can be visited with censures, because by baptism they are the subjects of the Church.

Dr. Delahogue, the Canon Law, and indeed the 4th, 8th, and 14th canons of the Seventh Session of the Council of Trent, [Decree on the Sacraments,] and others, unite in holding this opinion.

There is therefore in Dr. Wiseman's view no aggression. He speaks his mind. He expresses the judgment of his Church. The measure is merely "necessary for the government of their flocks," or, as his Church more canonically calls them, "their subjects."

Looking at and weighing various facts, Dr. Wiseman comes to that conclusion to which he persuaded Pope Pius IX., "that the real and complete code of the Church must be at once extended to the Catholic Church in England, so far *as compatible with its social position*." This last modifying "so far" is very expressive, as well as highly expedient. For instance, the oath taken by all Bishops at their consecration, and by all Archbishops on receiving the *pallium*, contains this clause:—"Hæreticos schismaticos et rebelles eidem Domino Nostro Papæ (Pio Nono) persequar et impugnabo." "All heretics, schismatics, and rebels against the same, our Lord the Pope, I will persecute and attack." This clause is left out, Dr. Wiseman tells us, from the oath, when taken in the special case of "Bishops under the British crown." Why so? It would have been "incompatible with the social position of the Catholic Church in England to have retained it." The heretics are too numerous. Cardinal Bellarmine explains the matter very clearly:—

"If the heretics are stronger than we, and if there is danger that if we attack them in war, more of us may fall than of them, then we are to keep quiet."—Lib. iii. cap. 4.

The clause of the oath is simply in abeyance. It is not repealed. The Cardinal and his friends are simply quiet. A dire British necessity compels it. They must be quiet till fully planted, fairly entrenched, strong enough,

and numerous enough, as they hope to be under the new hierarchical establishment.

“But,” continues Dr. Wiseman, “in order to adopt this second and more natural expedient, one condition was necessary, and that was—*The Catholics must have a Hierarchy. The Canon Law is inapplicable under Vicars-Apostolic*; and, besides, many points would have to be synodically adjusted, and without a Metropolitan and Suffragans, a Provincial Synod was out of the question.”

“The Canon Law is inapplicable under Vicars-Apostolic.” This is the greatest and the weightiest ground adduced by Dr. Wiseman for translating the Romish Vicars-Apostolic into “English Bishops, with territorial dioceses.” But it is with those who know the contents of the Canon Law, the most powerful reason for protest, resistance stern and unmitigated, for universal reclamation. I have in my possession the *CORPUS JURIS CANONICI*, Leipsiæ, 1839, “ad exemplar Romanum.” Prefixed to it I read as follows:—

“GREGORIUS PAPA XIII.

“Universis Christi fidelibus, præsentibus literas inspecturis, salutem et Apostolicam benedictionem.

“Emendationem decretorum locorumque a Gratiano collectorum (erat enim is liber mendis et testimoniorum depravationibus plenissimus), a nonnullis Romanis Pontificibus prædecessoribus nostris optimo consilio susceptam, selectisque ad id negotium sanctæ Romanæ Ecclesiæ Cardinalibus, et aliis eruditissimis viris adhibitis commissam, multis autem variisque impedimentis hactenus retardatam, nunc tandem, vetustissimis codicibus ubique conquisitis, auctoribusque ipsis, quorum testimoniis usus erat Gratianus, perlectis, quæque perperam posita erant suis locis restitutis, magnâ cum diligentia absolutam atque perfectam edi mandavimus. In quo magna ratio habita est operis ipsius dignitatis et publicæ, eorum præsertim qui in hoc studio versantur, utilitatis. Jubemus igitur ut quæ emendata et reposita sunt, omnia quam diligentissime retineantur, ita ut nihil addatur, mutetur, aut imminuatur. Datum Romæ apud Sanctum Petrum sub annulo Piscatoris die secunda Junii, MDLXXXII. Pontificatus nostri anno undecimo.

“ANT. BUCCAPADULIUS.”

In the rescript attached by Gregory to Part Second, we read, "willing that all use this compilation in judicial proceedings and in schools."

In a bull of Gregory XIII., also prefixed, the *Jus Canonicum*, or Canon Law, is thus spoken of: "*Nos opportune providere volentes, ut hoc Jus Canonicum sic expurgatum ad omnes ubique Christi fideles sartum tectum perveniat, ac ne cuiquam liceat eidem operi quicquam addere, vel immutare, aut invertere, nullave interpretatione adjungere.*"

"We, willing seasonably to provide that this Canon Law thus expurgated may reach all the faithful as a restored edifice, and that it be lawful for none to add anything to the same work, or to change, or invert, or join any interpretations."

In a preliminary explanation it is stated: "*In Ecclesia Romana, omnium ecclesiarum magistra, solitos esse asseruari conciliorum canones et Pontificum decreta, ac cæteris Ecclesiis communicari, plane compertum est.*"

"It is clearly ascertained that the canons of Councils and the decrees of Popes are wont to be preserved in the Roman Church, the mistress of all Churches, and to be communicated to other Churches."

When Dr. Slevin, Professor of Canon Law at St. Patrick's College, Maynooth, was examined by the Commissioners of Education, he stated: "The Canon Law, or common law of our Church, is contained in a work known by the name of *Corpus Juris Canonici*. It was published by Pope Gregory XIII., and it is composed of several parts or collections of the Canon Law, made at different times.

"What we call the text of the Canon Law is to be found in these collections, so far as they go; but to form a complete body of Canon Law, we must add the decrees of the Council of Trent, the different bulls that have been issued by Popes since the time of Pope Sixtus IV., as none of a

more recent date are included in the collection of Gregory XIII., which was published toward the end of the sixteenth century. The bulls that were issued after Sixtus IV. down to Clement XII. have been included in the *Bullarum Magnum*. There is also a collection of the bulls of Benedict XIV.”—Appendix to 8th Report, p. 211.

Again the Professor states: “With regard to decretals of Popes, I think I have already mentioned the general principle we act upon, which is, that those decretals are binding in the countries in which they have been published or adopted as the Canon Law of the country.”—p. 212.

This Canon Law, according to Dr. Wiseman, is to be “adopted” by the Romish hierarchy in England; the reason of its being hitherto in abeyance, arising from its inapplicability to a missionary or vicar-apostolic organization.

It may not be accepted as a reason at all weighty in the judgment of statesmen, but this setting up of the Canon Law in England will be protested against in proportion as it is known by the people of England. I here give a few extracts which I have gathered from it, constituting and illustrative of Dr. Wiseman’s strongest reason for requiring a hierarchy from Pius IX., and, on the other hand, of our firmest protest against it, and his hierarchy too.

Pope Boniface VIII. has a decree in the Canon Law :—

“Porro subesse Romano Pontifici omni humanæ creaturæ declaramus, dicimus, diffinimus et pronunciamus omnino esse de necessitate salutis.”

“Moreover, we declare, assert, define, and pronounce it to be of necessity to salvation, for every human creature to be subject to the Roman Pontiff.”—*Extrav. Comm. lib. i. tit. 8. p. 1160. Pars 2. Leips. 1839.*

He says also :—

“Oportet gladium esse sub gladio, et temporalem auctoritatem spirituali subjici potestati. . . Ergo,

“One sword must be under the other sword, and temporal authority must be subject to spiritual

si deviat terrena, indicabitur a potestate spirituali."

"Constitutionem ipsam, sacro præsentì concilio approbante, innovamus et approbamus."

power. . . . Whence, if the earthly authority go wrong, it shall be judged by the spiritual."—Ibid. p. 1159.

"We do renew and approve this constitution with the approbation of this present holy Council."—Concil. Lat. Sess. 11. p. 153. vol. xiv. Paris, 1671.

The most infallible thing to a Roman Catholic is a General Council, with a Pope at its head. The Italians say the Pope is infallible; the French say a General Council is infallible; Cardinal Wiseman says a Pope at the head of a General Council, or both together, must be infallible. Now, both Pope and Council have decided, as stated in the Canon Law, which cannot be set up in England without a territorial hierarchy, that the civil power must be subject to the spiritual power. Melchior Canus, quoting this, observes:—

"Quam extravagantem renovavit et approbavit concilium Lateranense sub Leone X."

"The Lateran Council, under Leo X., did renew and approve that constitution."—Lib. vi. cap. 4. p. 316. Colon. 1605.

Baronius, the Roman Catholic historian, adds:—

"Hæc Bonifacius, cui assentiuntur omnes, ut nullus discrepat, nisi qui dissidio ab Ecclesiâ excidit."

"This all assent to, so that no one dissents who does not by such disagreement cut himself off from the Church."—Baron. anno 1053. s. 14. vol. xi. Rome, 1605.

Roman Catholic bishops of Ireland, when examined before the House of Lords, ventured to declare the persecuting canon of the fourth Council of Lateran to be spurious, and not to be found in the original copy. I open, however, the Canon Law, edit. 1839, and I find that Gregory IX., predecessor of Innocent IV., inserted in his decretals the notorious decree of the fourth Lateran, held by Innocent III. It is as follows:—

“Excommunicamus et anathematizamus omnem hæresim extolentem se adversus hanc sanctam, orthodoxam et Catholicam fidem quam superius exposuimus—condemnantes hæreticos universos, quibuscumque nominibus censeantur, facies quidem habentes diversas sed caudas ad invicem colligatas, qui de vanitate conveniunt in id ipsum. Damnati vero præsentibus sæcularibus potentatibus aut eorum ballivis, relinquuntur animadversione debita puniendi, clericis prius a suis ordinibus degradatis, ita quod bona hujusmodi damnatorum, si laici fuerint, confiscentur: si vero clerici, applicentur ecclesiis a quibus stipendia receperunt. Qui autem inventi fuerint sola suspicione notabiles, nisi juxta considerationem suspicionis qualitatemque personæ propriam innocentiam congrua purificatione monstraverint, anathematis gladio feriantur, et usque ad satisfactionem condignam ab omnibus evitentur, ita quod si per annum in excommunicatione perstiterint, ex tunc velut hæretici condemnentur. Moneantur autem et inducantur, et si necesse fuerit, per censuram ecclesiasticam compellantur sæculares potestates, quibuscumque fungantur officiis, ut, sicut reputari cupiunt et haberi fideles, ita pro defensione fidei præstent publicè juramentum, quod de terris suæ jurisdictioni subjectis universos hæreticos ab ecclesia denotatos, bona fide pro viribus exterminare studebunt, ita, quodammodo, quodocumque quis fuerit in potestatem sive perpetuam sive temporalem assumptus,

“We excommunicate and anathematize every heresy exalting itself against that holy, orthodox and catholic faith, which we have above set forth—condemning all heretics, by whatever names they may be denominated, having indeed different faces, but tails tied together, because they all agree in the same folly. Let these persons, when condemned, be abandoned to the secular authorities being present, or to their officers, in order that they may be duly punished—those who are clergymen being degraded; so that the property of persons thus condemned, if laymen, shall be confiscated, and in the case of clergymen applied to the churches from which they drew their stipends. But let those who are discovered as only notably suspected, unless according to the nature of the suspicion and the quality of the person they show their innocence by a suitable purification, be struck with the sword of anathema.

* * * *

Let the secular powers, whatever offices they may hold, be advised and instructed, and, if need be, compelled by ecclesiastical censure, and as they desire to be reputed and held faithful, to take a public oath for the defence of the faith, that they will study to the utmost to exterminate from all territories subject to their jurisdiction all heretics so marked by the Church.

* * * *

hoc teneatur capitulum juramento firmare. Si vero dominus temporalis satisfacere contempserit, infra annum significetur hoc summo Pontifici, ut ex tunc ipse vasallos ab ejus fidelitate denunciaret absolutos, et terram exponat Catholicis occupandam, qui eam, exterminatis hæreticis, absque ulla contradictione possideant."

"Adjicimus insuper ut quilibet archiepiscopus vel episcopus per se, aut per archidiaconum suum, aut alias honestas idoneasque personas, bis aut saltem semel in anno propriam parochiam in qua fama fuerit hæreticos habitare, circum-eat, et ibi tres vel plures boni testimonii viros, vel etiam, si expedire videbitur, totam viciniam jurare compellat, quod, si quos ibidem hæreticos sciverit, vel aliquos occulta conventicula celebrantes, seu a communi conversatione fidelium vita et moribus dissidentes, eos episcopo studeat indicare."

"Juramentum contra utilitatem ecclesiasticam præstitum non tenet."

"Non juramenta sed perjuria potius sunt dicenda quæ contra utilitatem ecclesiasticam attentantur."

"Vos juramento hujusmodi non tenemini quin pro juribus et honoribus ipsius ecclesiæ, ac etiam specialibus vestris legitime defendis contra ipsum principem stare libere valeatis."

And if the secular power refuse to comply, let it be told to the Sovereign Pontiff, and let him denounce the subjects as released from their fealty, and give the country to Catholics, who, having exterminated the heretics, may peaceably possess it."

"We add, moreover, that every archbishop or bishop, by himself or by his archdeacons, or other honest and fit persons, should traverse at least once or twice a year every parish in which it is rumoured that heretics reside; and there compel three or four men of good repute, or if expedient, the whole neighbourhood, to make known to him any heretics, or person holding secret conventicles, or dissenters from the life and manners of the faithful."—Decretal headed Innocent III. in Concilio Generali, vol. ii. p. 758.

"An oath contrary to the utility of the Church is not to be observed."—Vol. ii. p. 358. decret. Greg. IX. lib. ii. tit. 24. cap. 27. Leipsic, 1839.

"These are to be called perjuries rather than oaths which are attempted against ecclesiastical utility."—Ibid.

"You are not bound by an oath of this kind, but, on the contrary, you are freely bid God speed in standing up against kings for the rights and honours of that very Church, and even in legislatively defending your own peculiar privileges."—Decret. Greg. IX. lib. ii. tit. 24. cap. 31. vol. ii. p. 360.

“Fidelitatem quam Christiano Principi jurarunt, Deo ejusque sanctis adversanti, nulla cohibentur auctoritate persolvere.”

“The fealty which subjects have sworn to a Christian King who opposes God and his saints, they are not bound by any authority to perform.”—Vol. i. p. 648.

From the *Magnum Bullarium*, which is the complement of the *Corpus Juris Canonici*, and a part of the Canon Law, I extract a few specimens of the new code. (*Bullarium Magnum Romanum, Luxemburgi, 1727, vol. i.*):—

“Sequitur tenor dictarum legum Frederici II. Sex. 6. Si vero dominus temporalis requisitus et admonitus ab ecclesiâ terram suam purgare neglexerit ab hæretica pravitæ, post annum a tempore admonitionis elapsam, terram illius ipsis exponimus Catholicis occupandam qui eam exterminatis hæreticis absque ulla contradictione possideant.”

“But if the temporal Lord (*i.e.* Queen), after being required and admonished by the Church, shall have neglected to purge his (her) territory of heretical wickedness, after the lapse of a year from the time of admonition, we present his territory to the occupation of Catholics, who, after exterminating the heretics, may occupy it without any opposition.”

It would occupy too much space were I to give similar additional quotations from the Canon Law. Dr. Wiseman has warned the people of England that it now is, or will soon be, set up. Accordingly, my Lord, if the last Bull of Pius IX. be allowed to operate in this country, and the hierarchy appointed under it to develop itself, we shall have no right to complain, except of ourselves, if there follow it the enactment of the terrible Bulls of Alexander IV. (A.D. 1254), appointing Inquisitors; of Urban IV. (1262), instructing the Inquisitors to exterminate the “*vulpeculæ*,” or heretics; of Nicolas III. (1278), excommunicating heretics, and handing them over to the secular power; of Innocent VIII. (1486), for the punishment of heretics; of Paul III. “*Cœnæ Domini*,” and finally, of Paul IV. (1559), calling into exercise all the persecuting decrees, Acts of Councils, and Bulls, ever enacted and issued, and

all set up as precedents and instructions for the new hierarchy.

This last Bull of Paul IV. is so strange, and its language so minutely illustrative of the clauses in the Bishop's oath, that I give it at length.

“Habitâ super his cum venerabilibus fratribus nostris S. R. E. Cardinalibus deliberatione matura, de eorum consilio et unanimi assensu omnes et singulas excommunicationes, suspensiones, et interdictiones et privationes et quasvis alias sententias, censuras et pœnas a quibusvis Romanis Pontificibus prædecessoribus nostris, aut pro talibus habitis etiam per eorum **LITERAS EXTRAVAGANTES**, seu sacris conciliis ab ecclesiâ Dei receptis, vel sanctorum Patrum decretis et statutis, aut sacris canonibus ac constitutionibus, et ordinationibus Apostolicis contra hæreticos aut schismaticos quomodolibet latas et promulgatas Apostolica auctoritate, approbamus et innovamus, ac perpetuo observari, et in viridi observantiâ, si forsân in eâ non sint, reponi esse debere; necnon quoscunque qui hactenus a fide Catholicâ deviasse, aut in aliquam hæresim incidisse, seu schisma incurrisse, aut excitasse, seu commisisse comprehensi aut confessi vel convicti fuerint, seu (quod Deus pro suâ clementiâ ab omnibus bonitate avertere dignetur) in posterum deviant, seu in hæresim incident, aut schisma incurrent, vel excitabunt, seu committent, et deviasse, seu incidisse, aut incurrisse, vel excitasse seu commisisse deprehendentur, aut confitebuntur, seu convinctur, cujuscumque status, gradus,

“Having maturely deliberated with our venerable brethren the Cardinals of the Holy Roman Church, and with their advice and unanimous assent, we approve and ratify all and every sentence of excommunication, suspension, interdict, and deprivation, and all other sentences, censures, and punishments, in any way passed and published, by any Roman Pontiffs, our predecessors; or held to be such even by their letters extravagant, or by the sacred Councils, received by the Church, or by the decrees and statutes of the holy fathers, or by the sacred canons, and apostolical constitutions and ordinances, against heretics or schismatics; and that they ought to be perpetually observed, and to be replaced in fresh observation, if perchance they be not; and **WE WILL** and decree that whosoever shall have been caught or convicted, or have confessed to have heretofore deviated from the Catholic faith, or fallen into any heresy, or run into schism, or excited to it, or committed it, or (which God, according to his clemency and goodness, avert from all,) shall henceforth turn aside, or fall into heresy, or run into schism, or excite to it, or commit it, or shall be caught, or shall confess, or shall be proved to have turned aside, or fallen into heresy, or run into schism, or excited to it, or

ordinis, conditionis, et præminentiæ existant, etiamsi Episcopali, Archiepiscopali, Patriarchali, Primitiali, aut alia majore dignitate ecclesiastica, seu Cardinalitus honore, et apostolicæ sedis ubivis locorum, tam perpetuæ quam temporalis Legationis munere, vel mundanâ etiam Comitali, Baronali, Marchionali, Ducali, REGIO et IMPERIALI auctoritate seu excellentia præfulgeant, errorum quemlibet sententias, censuras, et pœnas prædictas, incurrere volumus et decernimus.”

committed it, shall every one of them incur the aforesaid censures and punishments, of whatever station, degree, order, condition, or pre-eminence, even if of Episcopal, Archiepiscopal, Patriarchal, Primate, Cardinal or any other ecclesiastical dignity, or Earl, Marquis, Duke, King, or Emperor, Royal or Imperial dignity.”

The burning of men for holding opinions contrary to those of the Roman Catholic Church, is not an inference from an equivocal decree, or from a precipitate and solitary act. From the very commencement of their power to the repression or extinction of it in England at the Reformation, persecution, and proscription, and death, have been established as “Catholic and Canonical” penalties for heresy. The practice has neither been abjured nor repented of. It is too solemnly, too extensively, and too authoritatively enjoined ever to be rejected, except with the rejection of the system that created and still carries it on. I have referred to Bulls of Popes, or such parts of the Canon Law as enjoin the destruction of heretics. Let me also refer to Councils decreeing the same dread penalties. In 1215, the Fourth Council of Lateran, under Innocent III. (Lab. et Cossart. vol. ii. par. i. ab anno 1198. Lutetiæ Parisiorum, 1671) decreed the extermination of heretics. In 1229, the Council of Toulouse (ibid. vol. ii. p. 423) decreed the corporal punishment of heretics, and the very house in which they should be found to be utterly destroyed.

The Council of Béziers, A.D. 1246 (ibid. vol. ii. p. 679),

decreed the extermination of heretics. The Council of Constance (Mansi. vol. xxvi. Venes. 1784) decreed that heretics are to be burned alive. The Council of Sienna, 1527, (Lab. et Cossart, vol. xiv. p. 431) exhorted all Christian Princes to exterminate heretics. ALL THIS IS SET UP, OR SET DOWN, WITH DR. WISEMAN, in his character of ARCHBISHOP OF WESTMINSTER.

A more recent document, an essential part of that Canon Law, which could not be set up under Vicars-Apostolic, but which is, can, or will be set up under a regular hierarchy, is the celebrated Bull, *Unigenitus*. Quesnel had asserted certain truths which this Bull quotes and condemns.

Quesnel said—

“It is useful and necessary at all times, and in every place, and for all sorts of people, to study and know the spirit, piety, and mysteries of the Holy Scriptures.—1 Cor. xiv. 5.

“The reading of the Holy Scriptures is for all men.—Acts viii. 28.

“The obscurity of the holy Word of God, is no reason why the laity should dispense themselves from reading it.—Acts viii. 31.

“The Lord’s day ought to be sanctified by Christians by readings of piety, and, above all, of the Holy Scriptures. It is damnable to desire to withhold Christians from this reading.—Acts xv. 21.

“It is a delusion to persuade one’s self, that the knowledge of the mysteries of religion ought not to be communicated to women by the reading of the sacred books. The abuse of the Scriptures has arisen, and heretics have sprung, not from the simplicity of women, but from the proud science of men.—John iv. 26.

“To snatch the New Testament from the hands of Christians, or to shut it against them, is to close the mouth of Christ against them, by taking away from them that means of understanding him.—Matt. v. 2.

“To forbid Christians the reading of the Holy Scriptures, especially of the Gospel, is to interdict the use of light to the sons of

light, and to cause them to suffer a certain kind of excommunication.—Luke xi. 33.

“ To deprive the common people of the comfort of joining their voice to the voice of the whole Church, is a custom contrary to Apostolical practice, and to the intention of God. —1 Cor. xiv. 16.”

On these and kindred truths, the Pope thus pronounced, A.D. 1713 :—

“ The opinions, therefore, of the above-mentioned Cardinals, and other theologians, having been both heard by word of mouth, and exhibited to us in writing ; and, above all, the aid of the Divine illumination having been implored by private and public prayers appointed for this end ; we respectively declare, condemn, and reprobate, by this our perpetually enduring constitution, all and singular the above-inserted propositions, as *false*, captious, ill-sounding, *offensive to pious ears*, scandalous, pernicious, rash, injurious to the Church and its usages, contumelious, not only towards the Church, but also towards the secular powers, seditious, *impious, blasphemous, suspected of heresy*, and *savouring of heresy* itself, favouring moreover heretics and heresies, and also schism ; as erroneous, nearly allied to heresy, often condemned, and finally, *even heretical* ; and also various heresies, manifestly introducing novelties, and chiefly those which are in the infamous propositions of Jansenius, taken in that sense in which they were condemned. And we command all the faithful in Christ, of both sexes, not to presume to *think*, teach, or preach otherwise on the said propositions, than is contained in this our constitution ; and whosoever shall have taught, defended or published them, or any of them, conjointly, or separately, or shall have treated of them even in disputation, publicly or privately, unless perchance by impugning them, shall be subject, without further declaration, to ecclesiastical censures, and the other *penalties enacted by law* against those who commit the like offences.”

And in order to repress and put down what he thus called heresy, he adds :—

“ We, moreover, charge our venerable Brethren, the Patriarchs, Archbishops, and Bishops, and the other Ordinaries of Districts, and, moreover, *the Inquisitors* of heretical wickedness, utterly to

coerce and compel, by the above-mentioned censures, and penalties, and by the other remedies of law and deed, *the aid of the secular arm being invoked for this purpose if it be necessary*, all who oppose or resist."

I have the original in the Bullarium Magnum Romanum. It is also found in Dens' Theology. It is a Bull received by the whole Roman Catholic Church, and referred to as authority and precedent only a few years ago by Gregory XVI. the predecessor of Pius IX. in his Encyclical or rescript on Bible Societies. It is part of Cardinal Wiseman's Canon Law. I CHALLENGE HIM TO REPUDIATE IT. He dare not. He has warned us that if we receive his hierarchy, we must accept his Canon Law. We thank him for his warning.

In 1832, Gregory, the last Pope, issued an Encyclical Letter, which was read in all the Roman Catholic chapels of England, and published in the Laity's Directory for 1833, under the express sanction of the Vicars-Apostolic. In this document, received by Cardinal Wiseman as part and parcel of his Canon Law, now set up or to be set up, it is declared—

"From this polluted fountain of 'Indifference' flows that absurd and erroneous doctrine, or rather raving, in favour and in defence of '*liberty of conscience*;' for which most pestilential error, the course is opened by that entire and wild liberty of opinion which is everywhere attempting the overthrow of religious and civil institutions; and which the unblushing impudence of some has held forth as an advantage to religion.

"Hither tends that worst and never sufficiently to be *execrated and detested liberty of the press*, for the diffusion of all manner of writings, which some so loudly contend for, and so actively promote. We shudder, Venerable Brethren, at the sight of the monstrous doctrines, or rather portentous errors, which crowd upon us in the shape of numberless volumes, and pamphlets, small in size, but big with evils, which stalk forth in every direction, breathing a malediction which we deplore over the face of the earth."

Cardinal Wiseman claims the right of exercising Romish worship in England. We concede it. He claims and has exercised the privilege of printing an appeal to the English people. We freely grant it. But in that very Canon Law which he is to set up, he includes, and must include, the Encyclical of Gregory XVI. condemning freedom of conscience as a pestilential error, and the liberty of the press as a liberty never enough to be execrated.

Cardinal Wiseman is identified with these anti-social dogmas. As a Vicar-Apostolic he holds them personally. As an Archbishop of Westminster he sets them up ecclesiastically and authoritatively; and as soon as his power is equal to his purpose, and civil law defers to ecclesiastical, he will let the daily press feel his power, and freedom of conscience find its limits; and in all this he will act only as becomes a Roman Catholic ecclesiastic with a "local title."

I do not desire or intend to fasten these documents on the Roman Catholic laity, though I do not know how they can free themselves from their acceptance. Nor would I have taken this method of identifying Dr. Wiseman with these extracts from the Canon Law, had he not boldly proclaimed that the Pope has removed the only obstruction to the introduction of this Law, and demanded of the people of England a sanction for the new hierarchy on the ground that unless so sanctioned, he cannot introduce the said Canon Law. It is surely, my Lord, a very dutiful thing on the part of a subject of the Queen, and a Minister of Christ, to whose heart his country, his religion, and the privileges of both are dear, to let such rulers of State as have not studied this question, and all the people know, as far as he can, what the Canon Law is, and how far it can be pleaded as a sanction and a reason for the new hierarchy.

At page 5, the Cardinal alleges that "the Catholics have been unmercifully treated by every Anglican writer; as schismatics, as rebels to the bishops of England;" and

he complains particularly of a Tractarian anathematizer, the Rev. W. Palmer. It is remarkably indicative of common affinities between Tractarian and Roman Catholic priests, apparent even in their quarrels, that the phraseology in which Mr. Palmer and his fellow-religionists brand Dr. Wiseman, is borrowed from that very oath in which Dr. Wiseman swears to persecute them. Mr. Palmer and Dr. Wiseman quarrel simply about precedence. This is a dispute soon settled.

Dr. Wiseman adds, (p. 5,) as a reason for the new hierarchy, that "many minds allowed themselves to be influenced by an apparent advantage of ecclesiastical position on the other side." Yet the Doctor has told us in p. 4, that "the (Romish) Bishops were not moved by stupid ideas of rivalry with the Established Church."

"All this time," adds the Cardinal, "there was no concealment, no attempt to take people by surprise. All Catholics knew of the intended measure; the papers announced it; so notorious was it, that the Dean and Chapter of Westminster petitioned Parliament against it; and a friend of the writer's heard the Dean of Westminster say, most openly, 'Well, he may call himself what he pleases, but at least he can never be Dean of Westminster.' In Battersby's Irish Directory for 1848, the writer was named, 'Most Rev. N. Wiseman, Archbishop of Westminster.' He can add, that many letters came to him so addressed.

"Then why is this very act, which was openly spoken of, and hardly attracted attention, three years ago, now denounced so furiously, and characterised so foully? This is not the place to answer this question; it is only wished here to state simple facts, and leave others to reason on them."

That the intention of the Pope was no secret even in 1847, I can testify for one—for in "Apocalyptic Sketches" delivered in Exeter Hall in 1847, and at p. 284, it was referred to as a matter well known. But when he asks "why this very act, which was openly spoken of and hardly attracted attention three years ago, is now denounced so

furiously?" I must reply, that even then it was denounced by all who saw through its pretensions, and before upwards of 4,000 people it was thus spoken of in those "Sketches," p. 284, so early as in 1847:—"It is already fixed by Pius IX. that there is to be an Archbishop of Westminster—a Bishop of Birmingham—a Bishop of Liverpool; then I do not doubt, when it comes to this height, and Romanism rules in the ascendant, men will learn they were not fanatics who now denounce it, nor alarmists who warn you."

But many saw in it a mere change of names. They did not penetrate the thin surface, and detect, as they have now done, aspirant power—latent persecution—direct aggression on the sovereignty of the Queen and the religion of the realm. These are "simple facts," "others can reason on them." Dr. Wiseman states:—

"In the year above-mentioned, 1829, an Act was passed, and became law, which is familiarly known as the Catholic Emancipation Act. By this, Catholics were freed from all obligation of swearing to, and consequently of acknowledging, the royal ecclesiastical supremacy; and an oath of allegiance was framed peculiarly for them, which excluded all declaration of belief in that principle.

"A Catholic, therefore, before 1829, in the eye of the law, was a person who did not admit the royal supremacy, and therefore was excluded from full enjoyment of civil privileges. A Catholic after 1829, and therefore in 1850, is a person who still continues not to admit the royal supremacy, and nevertheless is admitted to full enjoyment of those privileges."—P. 10.

The Church of Christ is, in one sense, the company of the baptized—teachers and taught; in another, it is all true Christians known of God to be so. In both cases they are all, in this country, subjects of the Queen. If any of these violate the laws, even if an ecclesiastic, he is not exempt from punishment. Cardinal Wiseman desires such exemption, I have no doubt; but it is not conceded, and never will be. So far Cardinal Wiseman, whether he

like it or not, must acknowledge the Queen's supremacy just as much as the writer of this letter.

In another sense, neither Dr. Wiseman, nor any Protestant, or Roman Catholic in the realm, understands by the Queen's supremacy, authority to prescribe doctrines or administer the sacraments. The point of divergence between the Protestant Churchman and the Roman Catholic priest is found where a dispute may begin about the interpretation of a recognised document: in the case of Dr. Wiseman, the question is, what is the meaning of certain words in the creed of Pius IV.; in the case of Mr. Gorham, what is the meaning of certain words in the Baptismal Service. Dr. Wiseman appeals to the Pope, a foreign sovereign, for an authoritative judgment; Mr. Gorham to the Queen, our own sovereign. In the former case, certain cardinals and bishops, constituting the Propaganda, decide; in the latter, certain lawyers and judges, with the presence, counsel, and advice of the two Archbishops and the Bishop of London, declare what is the meaning of the words.

The law of England allows Roman Catholic priests to refer their dispute to the Pope; it requires Protestant clergymen to refer theirs to the recognised home tribunals. The Queen appoints bishops in England for all the dioceses thereof; this is her prerogative. The Pope may appoint his bishops for all Roman Catholics resident in England; he may send a monk, an abbot, or archbishop, to teach believers the doctrines of purgatory and transubstantiation, and the infallibility of the Church; and this the law of toleration freely and justly concedes. In all these matters Cardinal Wiseman may ignore the supremacy of the Queen. He need not name or remember it. What, then, is the Cardinal's complaint? What additional exercise of papal supremacy does he demand? It is this: he says the Queen's supremacy is violently intruded on him, if the Pope be forbidden to erect temporal dioceses and

appoint a hierarchy with jurisdiction over "counties," and over all the baptized therein. This is his complaint. This interdict on a foreign Ruler's taking possession of England he insists on being removed. It is plain that Cardinal Wiseman's demand is not papal supremacy over the religious views and discipline of Roman Catholics in England, but the dislodgement of the Queen's supremacy over England, by the admission and establishment of the Pope's in its place; and just in that place where the temporal is touched and shaped to a great extent by the ecclesiastical, where surrender is sacrifice of freedom, independence, dignity. Cardinal Wiseman demands from the Queen of England a portion of her sovereignty for the Pope of Rome. This is the matter in a nutshell. Our existing conflict is the Thermopylæ of England. Here we conquer or perish as a free and independent people.

The Cardinal, in order to strengthen his argument, continues :—

"The royal supremacy is no more admitted by the Scotch Church, by Baptists, Methodists, Quakers, Independents, Presbyterians, Unitarians, and other dissenters, than by the Catholics. None of these recognise in the Queen any authority to interfere in their religious concerns, to appoint their ministers for them, or to mark the limits of their separate districts in which authority has to be exercised."

In this allegation there is a combination of misstatement and deception.

The Scotch Church cannot erect a district into a parish unless by permission of the Queen, nor change the Confession of Faith, nor admit into her Ecclesiastical Courts other than the Parochial Clergy and Elders. Her Majesty, or her representative, is present on the throne, in the General Assembly, and while the Moderator dissolves it in the Name of our Lord Jesus, the Lord High Commissioner dissolves it in the name of the Queen. No relation has

been of greater service to the Church of Scotland during very many, and very varying years, than that which she sustains to the State.

The parallel between the non-recognition of the Royal Supremacy in the administration of their inner discipline by the great body of Dissenters, and Cardinal Wiseman's non-recognition of it, is very curious. I suspect there is contrast, not coincidence. If Dissenters do not admit the Queen's supremacy, they do not admit the supremacy of a foreign prince or potentate. And if the civil power trample on the rights of Dissenters, what do they do? Complain, and ask for redress: and if they cannot get it, they complain and suffer. But if the civil power should intrude upon the rights and liberties of Pope Pius IX. and of Cardinal Wiseman, what will he do? Absolve the subjects of that civil power from their oath, and make them free from their fealty. There is here a broad, a very broad distinction. Moreover, Dissenters do not preach in a single chapel in this country, till they have a licence under the Queen's supremacy; but this Cardinal takes hold of a whole diocese, and rules it without asking any licence but the Pope's, and in spite of the Queen's supremacy.

Dr. Wiseman next remarks:—

“ While the State reserves for that establishment, within the limits of which the Royal Supremacy is strictly and fully exercised, all dignity, honour, pre-eminence, and endowment, it freely grants to all who choose to live out of its dominations, as their equivalent, *perfect toleration, complete freedom to practise their religion, whether new or old, according to its principles, and to its perfect development*, so long as the practice is within the bounds of law, and trenches upon no others' rights.”

So far this is true. But whether such toleration can be fairly stretched so as to cover the irruption of a regiment of bishops, or soldiers, or sailors, under the flag, and by the command of an Italian ruler, and their seizing on the

places and posts marked out for them in a foreign capital, and from these places and posts issuing such declarations as, "we govern, and shall continue to govern, the countries, &c., so long as a foreign ruler permits," I for one am extremely doubtful, and Dr. Wiseman himself must by this time be scarcely less so.

"It follows, that a marked distinction exists between the authority possessed by a bishop and that of any other functionary named by the Queen's excellent Majesty. If she appoint an admiral, or commander-in-chief, or governor of a colony, or judge, every one is bound to obey that person in all that belongs specifically to his office, and any one would be punishable if he refused. But in regard to a Bishop it is exactly the contrary. Precisely in those very matters which appertain to his office we are not bound to obey him. No one is obliged to seek doctrine from his teaching, sanctification from his ministration, or grace from his blessing."

Cardinal Wiseman must see that the fact he has recorded is evidence of that toleration which exists in England, but has no existence in Rome. His forgetfulness of this must be the cause of his confusion. But because every man is not compelled to submit to the teaching of the Protestant Bishops,—because, in short, they are armed with no power to put down "heretics and schismatics," as Dr. Wiseman and the Bishops of Italy are,—it does not follow that the Pope has a right, or shall be conceded the power, of "ruling the counties of Middlesex," &c., and appointing by his intrusive bulls Bishops, who shall supply the lack of that very feature in which English Bishops are confessedly defective, by compelling all the baptized of every name, by fire and faggot—as prescribed in De Castro, Bishop Doyle's "good, great, and zealous friar"—to submit themselves to their authority. Protestant Bishops cannot persecute. Were they to attempt it, their creed and our constitution would equally condemn them. To

supply this desideratum—to appoint Bishops who shall be sworn to “persecute and attack heretics”—who, if needs be, can act as captains of regiments or colonels of dragoons—would seem, from the Cardinal’s reasoning, to be one of the great designs of His Holiness in taking Pontifical possession of England.

The Cardinal, throughout the whole of his Section II. argues, that the permission given, and justly given, to Roman Catholics to live unmolested, and even defended, in our country, and in the full enjoyment and exercise of the rites of their religion, implies equally and logically a constitutional permission to the Pope to erect sees, and have Bishops with territorial jurisdiction. Had they, the Romish priests in England, met, and, in their corporate capacity, or in any other way more canonical in their judgment, drawn imaginary lines along and across the country, and arranged their Bishops accordingly—while every one acquainted with the Romish faith would have seen a movement in the direction now illegally taken—a first step towards the setting up of the Canon Laws—that code of despotism over conscience and freedom—and every true Protestant would have emphatically said so—yet none would have regarded this mere ecclesiastical arrangement as much more objectionable than the imaginary local dioceses of the Scotch Episcopalians, or the airy and unreal territorial parishes of the Free Church Ministers. Nor do I see it either possible or desirable to interfere by law with such an arrangement. One gentleman might have called himself Bishop of Birmingham, and another Archbishop of Westminster. As such they would have accepted formally and canonically the duty of purging their dioceses from heretics “pro posse;” of exercising—but “pro posse”—jurisdiction over all the baptized, and otherwise strengthening their position. Even the unscriptural and anti-social dogmas of a false creed we must

tolerate, by the laws of toleration, till their development becomes dangerous, and their latent principles shoot up into intolerable practices.

In the mean time, if the Romish priesthood had merely done this, those who regard the Protestant and Romish controversy in its religious relations would have accepted, as even in present circumstances I hope they will accept, Cardinal Wiseman's very fair and sensible recommendation at page 18:—

“Let it be a fair contention, with theological weapons and fair arguments. If you prevail, and Catholicity is extinguished in the island, it will be a victory without remorse. It will have been achieved by the power of the Spirit, and not by the arm of flesh ; it will prove your cause to be Divine. But if, in spite of all your present advantage, our religion does advance, does win over to it the learned, the devout, and the charitable,—does spread itself widely among the poor and simple,—then you will not check its progress by forbidding a Catholic Bishop to take the title of Hexham or of Clifton.”—P. 18.

The *gravamen* of our complaint, protest and resistance, as a nation, lies in a fact far beyond this—it is that Pius IX., neither our Sovereign nor the Queen's subject, has sent a missive into our country, and, without asking permission, has parcelled out the Queen's realm into provinces and dioceses, and consequently parishes, and placed at the head of each a nominee, who is the exact reflector of what he is,—the exponent of his will,—the executor of his decrees, and sworn to be so—his very *persona* in the place prescribed for him.

This is surely an invasion as real—and far more mischievous, because under it are principles latent only from want of power and scope to develop them—as the arrival of a hostile French fleet off Dover, or the landing of hostile Russian troops on the coast of Essex.

Apart from the principles ineradicable from the Papacy, and only to perish in it and with it,—which are a very

important element to a Christian's apprehension,—yet the most important—the great point on which our country should at this moment concentrate its inspection and its resistance, is the Pope's assumption of power and jurisdiction in England, his open and published declaration of it, which, if unrepelled, will be construed as a national sanction of him and his Canon Law, and will become a precedent for future operations, and for his locating representatives to uphold them.

Dr. Wiseman's attempted vindication of this, is found in section iii. p. 18, of his Appeal :—

“ § III. *How could Catholics obtain their Hierarchy ?*

“ We have seen that, not only we possess a full right, by law, to be governed by Bishops, but that we have an equal right to be governed by them according to the proper and perfect form of Episcopal Government, that is, by Bishops in ordinary, having their sees and titles in the country.

“ If we have a perfect right to all this, we have no less a perfect right to employ the only means by which to obtain it.

“ We have seen that Catholics are allowed by law to maintain the Pope's supremacy in ecclesiastical and religious matters ; and one point of that supremacy is, that he alone can constitute a Hierarchy, or appoint Bishops. Throughout the Catholic world this is the same. Even where the civic power, by an arrangement with the Pope, *names*, that is, proposes, a person to be a Bishop, he cannot be consecrated without the Pope's confirmation or acceptance ; and if consecrated already, he can have no power to perform any functions of his office without the same sanction.

“ If, therefore, the Catholics of this country were ever to have a Hierarchy at all, it could only be through the Pope. He alone could grant it.”

Cardinal Wiseman here raises the question, which I feel to be vital, whether the Roman Catholic religion can be tolerated in England under any other ecclesiastical government than that of Vicars-Apostolic?

It is the unanimous judgment of Protestant England, that the “only way of appointing Romish Bishops in

England," according to Cardinal Wiseman, viz. the Pope's recent bull, and his Westminster nominee's pastoral, is inconsistent with the sovereignty of our Queen. This is a final and a just conclusion. Dr. Wiseman says, the only way of appointing a hierarchy in England, is by such a step as that which Pius IX. has just taken. Such a step we say is illegal and intolerable. Here and at this point the struggle begins.

Is there any instance of Romish Bishops with territorial jurisdiction ever having been appointed without the Pope, by a monarch not a Roman Catholic? If there be, Cardinal Wiseman might have taken at least a less offensive way of setting up his new hierarchy. There is one instance at least.

When the Empress Catherine II. received under her sceptre a large number of Polish Roman Catholics in consequence of the partition of Poland, she saw one great element of insecurity to her power in the jurisdiction to be exercised in her new province by a foreign ruler, the Pope of Rome. In 1782, she issued a decree, in which were the following articles :—

"I. We now erect the city of Mohilow, the capital of the government of the same name, into an archbishoprick of the Roman Catholic religion, including within the jurisdiction of its archbishoprick all the churches and convents of the said religion, which are in the governments of Mohilow and of Polotski, as well as those of our two capitals, and in *all other parts of the Russian empire.*

"II. *We graciously name* the Bishop Stanislaus Tsches Tscher-sovich to the archbishoprick of the Roman Catholic Church of Mohilow.

"III. To aid the same in his functions, we appoint a coadjutor, and elevate to that dignity the abbot John Beneslasshi, canon of the archiepiscopal church of Mohilow, and superior of Danburg : and *we have given orders that measures shall be taken for his elevation to the episcopacy.*"

"V. The archbishop of the Roman Catholic Church of Mohilow

shall not receive any order from any person whatever, besides us and our senate."

"VIII. The appointment of superiors and heads of convents, of curates for the parishes, and of all other promotions to the ecclesiastical degrees of the Roman Catholic religion, shall be dependent, *in all the extent of the Russian empire, on the will of the archbishop whom we have appointed*; and we order him to examine, either personally or by means of his coadjutor, all the aforesaid superiors and curates; to let those remain who were born our subjects, or are become such; to appoint others that are so; and to dismiss and send away those who may have come from foreign countries, and not to suffer any of them to come in for the future, forbidding them to return, under the penalty of being judicially prosecuted for having *disobeyed the decrees of the supreme government.*"

"X. We confirm the prohibition expressed in our decrees of July 3d, 1779, addressed to the governor-general of White Russia, and of Jan. 31, 1780, to all the governors general, *not to permit the entrance within our frontiers of ecclesiastics of foreign appointment*; and we direct, that whenever any of them appear, they shall be sent back, and threatened with being delivered over to the tribunals of our departments, to be judged according to the laws; and, finally, those who, contrary to this decree, receive them, without the permission of the archbishop, shall be sent to the competent tribunals, to be there judged according to the laws.

"XI. We command that all the religious orders of the Romish Religion shall only be dependent on the Archbishop of Mohilow, or his coadjutor, and on his consistory, without *daring to submit to any other ecclesiastical power out of our empire*, to send to such power any portion of their incomes, or to have any *connexion* with it, under the penalty of being juridically prosecuted for disobeying the laws of the Supreme Government."

"XIII. We confirm our preceding decrees which *prohibit the reception of any Bull from the Pope, or any other writings sent in his name*; ordering that the same shall be sent to our Senate, who, after having examined their contents, and particularly anything that may be found contrary to the laws of the Russian empire, or to the rights of the Ecclesiastical power which we have received from God, shall be obliged to communicate to us its opinion, and to wait our permission or prohibition in rendering public such bulls or writings."

Here was the appointment of a Romish Hierarchy independent of the Pope—in short, the constitution of a national popedom,—and the then Bishop of Rome was prudent enough to recognise it, and send the pallium, quite satisfied that the Archiepiscopal recipient should swear fealty to Rome, while he professed to be the creation of the Empress.

The instance of the Archbishop of Mohilow proves that it is not absolutely necessary, as Cardinal Wiseman alleges, to receive a constitution from the Pope, such as that recently intruded into this realm. If an empress, not a member of the Romish communion, might constitute a Romish hierarchy, and the Pope acquiesce in it, and regard the said hierarchy as a branch of his Church, it surely is at least as competent for the Vicars-Apostolic to meet together and draw out for themselves, without any foreign interference, such arrangements as they think proper. They might thus have got rid of the necessity of the importation of a Papal Bull—at least, if precedent have any weight in their affairs.

The next subject of consideration, however, is the assumption of territorial dioceses and jurisdiction.

Had the Vicars-Apostolic met and assumed the titles and dioceses now awarded them by the Pope's Bull, I do not see how it could have been regarded as more illegal than the assumption of territorial dioceses by the Scotch Episcopalian Bishops. At most, it would have been an assumption *ab intra*—by the subjects of the Queen—in every respect less offensive, if not more legal; and while unrecognised in any civil respect, or by any officer of the Crown, it might, and would probably have been regarded as evidence of progress on their part, to be lamented by all enlightened Protestants, but not to be resisted by any enactment of the State. But the opposition of thousands even to this would have been decided and invincible. It would have been, even in this less offensive aspect, the

“setting up of the Canon Law,”—that code of sanguinary precedents, and anti-social edicts—an inseparable accompaniment of a regular hierarchy.

I do not know that any evidence in this direction, that persons acquainted with this controversy might have adduced, would have had any weight with statesmen. But now that the Canon Law is set up in England by the authority of an Italian sovereign, and the land ecclesiastically taken possession of, there remains but one course—a course sustained by men of all parties and by Christians of all denominations, namely—

To require the Sovereign of the Roman States to recall and take back his Bull; and if he do not consent, as I suspect he never will, to make it a fine not exceeding five hundred pounds, or three months’ imprisonment for the first offence, and transportation for seven years in case of a second offence, for any subject of her Majesty, or foreigner resident in this country, to accept or assume any title of Archbishop, Bishop, Abbot, or Dean, with territorial jurisdiction, or local title taken from any village or town in any Diocese of England or Presbytery of Scotland, now likewise threatened by the Pope, either in virtue of the Pope’s Bull, or of any other pretended authority whatever. This is self-defence, not persecution.

The State having thus done its utmost to guard our national rights and immunities, it will devolve on Christian ministers to spread among their Roman Catholic fellow-subjects, in the spirit of truth and love, the word of God and the blessings of Scriptural education.

I have the honour to be,

My LORD,

Your Lordship’s faithful and obedient servant,

JOHN CUMMING.

December, 1850.

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